

To: Smith, Bonnie[smith.bonnie@epa.gov]
From: Behringer, Caroline
Sent: Mon 1/27/2014 3:53:17 PM
Subject: RE: West Va Spill - Headline Highlights for RA's Tablet - MONDAY, January 27, 2014

Thanks!

Caroline Behringer

Deputy Press Secretary

Office of the Administrator

U.S. Environmental Protection Agency

Office: (202) 564-0098

Cell: (202) 760-1732

From: Smith, Bonnie
Sent: Monday, January 27, 2014 10:52 AM
To: Lee, Eugene; Jones, Enesta; Cohen, Nancy; Thomas, Latosha; duteau, helen; Smith, Bonnie; Irizarry, Gilberto; Johnson, Alisha; Behringer, Caroline
Cc: White, Terri-A
Subject: West Va Spill - Headline Highlights for RA's Tablet - MONDAY, January 27, 2014

Headline Highlights on West Va. - MONDAY, January 27, 2014

CHARLESTON GAZETTE

W. Va. water customers complain of higher bills

Some customers of West Virginia American Water are questioning why their bills went up even though they didn't use their tap water for several days after a chemical spill. Although he continues to use bottled water for drinking and cooking, Harry Machado of Winfield said his latest bill was about 40 percent more than the previous one. "We were out of town for two days during the water crisis, and we haven't been using the water for anything but flushing the toilet," Machado told The Charleston Gazette. About 300,000 water customers in nine counties were told not to use their tap water after a Jan. 9 chemical spill from a tank at Freedom Industries went into the Elk River. After tests were conducted over several days, water customers were told to

flush out their lines and start using tap water again. Freedom Industries told environmental officials recently that a second, less toxic chemical also was mixed in the tank. West Virginia American Water spokeswoman Laura Jordan said the flushing might account for much of the increase on bills. She said a promised 1,000-gallon credit on water bills for the flushing process hasn't been applied yet because details are being worked out with the state Public Service Commission. "Customers will see that on a future bill," Jordan said. "For some customers, it may be their next bill, and for some, it may be the bill after that." Paul Welker and Loretta and Rex Jividen, all of Dunbar, saw their water bills increase by a few dollars in January. Welker questioned why his bill didn't go down because the water he and his wife didn't use for bathing, washing clothes, drinking and cooking should have more than offset the roughly 400 gallons of water used to flush out the lines. Jordan said January is generally the highest-usage month for customers. She said frigid weather earlier in the month caused a sharp increase in water use because customers left faucets running to keep their lines from freezing. Rex Jividen said he called the water company about his bill and was told his water lines might be leaking. But after checking his meter and putting a dye in his toilet test to make sure it wasn't leaking, he said, "I don't have a leak."

MCHM leak inquiry will take about a year

The federal Chemical Safety Board has not discovered any holes in Freedom Industries' secondary containment wall, but the agency's investigation probably will last a year, and it's too early to know if the wall failed, CSB officials said Friday. A CSB investigative team has been at Freedom Industries, the site of the chemical leak that contaminated the region's drinking water, since Jan. 13, but investigations of this type generally take about a year, CSB lead investigator Johnnie Banks told a special joint legislative committee on water resources. Banks said that the secondary containment wall, which surrounds the leaky tank, had no defects "that we can observe with the naked eye." He said that if investigators discover anything that requires an immediate recommendation, they will issue one. "There's a sense of urgency in our mission, as well," he said. "We realize that the citizens of this area want to know what happened." Several of the seven lawmakers at the committee hearing were looking for recommendations they could act on within the ongoing 60-day legislative session. After the hearing, Rafael Moure-Eraso, the chairman of the CSB, said that seems unlikely. "We are interviewing people, we are collecting evidence, our tank expert has come to see the place and basically say, 'This is what I'm going to need.' We are getting started," Moure-Eraso said. "We will be able to talk more in six months, perhaps." This is the third time in recent years that the CSB has been in the Kanawha Valley to investigate an incident. Investigators were here in 2008 after an explosion at the Bayer CropScience plant in Institute killed two workers and they were here in 2010 to investigate a series of leaks at the DuPont plant in Belle that killed one worker. The final Bayer report was not issued until Jan. 2011, two and a half years after the explosion. The final DuPont report was issued in July 2007, a year and a half after the leaks. In both those reports, the CSB recommended that West Virginia establish a program to prevent hazardous chemical releases. State officials did not heed either recommendation. Moure-Eraso said that that is the nature of his agency. "We contact them and say, 'This is what we recommend' and we write letters to them and say, 'What are your actions about this,'" Moure-Eraso said. "The power that we have is to say 'It's acceptable' or 'It's unacceptable.'" "We go to people like your newspaper and say, 'Look, we make these recommendations, which are public recommendations, and they have to be acted on.'" Delegate Mike Manypenny asked if the CSB's three visits to the region in five years meant

that there was a "systemic problem" with chemical maintenance in the Kanawha Valley, and in West Virginia as a whole. "That is a fair statement," Banks said, although he added that West Virginia is not alone in having problems with chemical safety. "We look at how things drift to a state of being, over time, and then there's a catastrophic failure, and the question is, how could that happen?" Banks said. "It evolves over time." Moure-Eraso also said it was the chemical manufacturer's obligation to provide information on the chemicals that leaked into the Elk River and that the information that has been provided has been scant and inadequate. The two leaked chemical compounds -- Crude MCHM and PPH, stripped -- are made by Eastman and Dow chemicals, respectively. The federal Centers for Disease Control and Prevention have said the area's water is safe for everyone except pregnant women, with less than 1 part per million of Crude MCHM. Moure-Eraso did not counter that standard, but he did say of Crude MCHM and PPH, stripped, "They shouldn't be in drinking water. Period. At any level."

CHARLESTON DAILY MAIL

Freedom Industries ordered to remove tanks after spill

West Virginia's governor has ordered the company at the center of a chemical spill that tainted the water supply for the state capital to begin the process of removing all above-ground storage tanks from the Charleston operation. A statement released Saturday by Gov. Earl Ray Tomblin's office says Freedom Industries must start the dismantling process by March 15. The Jan. 9 spill at Freedom Industries contaminated the water supply for 300,000 West Virginians. The order to dismantle and properly dispose of the tanks also includes associated piping and machinery. The facility currently has 17 tanks. The governor's order was included in a consent order issued Friday by the state Department of Environmental Protection and signed by Freedom Industries. The company has already been ordered to remove almost 1 million gallons of chemicals from the plant.

WHEELING INTELLIGENCER

Company Knew Of Second Chemical

The company at the center of the West Virginia water crisis immediately knew a second chemical leaked from its plant into the Elk River, and told its workers in an e-mail, according to a state environmental official. However, Freedom Industries did not let state government officials know about the second chemical right away. And state environmental department official Mike Dorsey said Thursday that most company employees did not skim far enough into the e-mail to see that information. It's unclear who sent the e-mail or how many of the company's 51 employees it reached. Dorsey made the remarks on MetroNews radio, explaining the 12-day delay in the second chemical's disclosure. He could not be reached for comment Friday. "The explanation I was given was that they had the information on the very first day," said Dorsey, chief of the state environmental agency's homeland security and emergency response division. "It was in an e-mail that was being shared among company employees, but no one read far enough down the page to see that." Freedom Industries President Gary Southern showed Dorsey the e-mail Wednesday. Southern "remarked that it should've been brought to his attention but wasn't," Dorsey wrote in an e-mail Friday. A chemical used to clean coal spilled from the tank into the river Jan. 9. About 300,000 people couldn't drink or bathe in the water for almost a week. Southern told environmental officials this week that a second, less toxic chemical also was mixed in the tank. A call to Freedom Industries was not returned Friday. Those are the only chemicals that spilled, the company wrote to state regulators Thursday. The state tested for the

second chemical, stripped PPH, at the water plant and scoured older tests for the substance, but found no traces. Testing will continue. A top investigator with the Chemical Safety Board also weighed in on the spill in front of a state legislative water policy committee Friday. The federal board is one of many government entities investigating the Charleston spill. Investigator Johnnie A. Banks said it will likely take a year until the board produces a report with findings. The panel can, however, set up public meetings to share periodic updates. The meetings would take place in Charleston, he said. When state environmental inspectors showed up at Freedom Industries Jan. 9, they described a chemical, crude MCHM, oozing from the pierced tank through a cracked containment wall into the river. But Banks didn't depict any fatal flaws when his team arrived Jan. 13. He also said a hard freeze might have helped create the 1-inch hole in the tank that leaked, which Freedom Industries has theorized. "There was nothing that jumped out at you that said this containment was inadequate or that the tank is going to fail," Banks told reporters. On Tuesday, Freedom Industries reached a bankruptcy court deal for up to \$4 million in credit from a lender to help continue operations, an attorney said. The bankruptcy filing freezes dozens of lawsuits against Freedom Industries. Many are by local businesses owners who say they lost money during a water-use ban that lasted several days. Under state orders, the company still needs to relocate almost 1 million gallons of other chemicals at its Charleston plant.

Ohio, Pennsylvania Have Tougher Storage Regulations

If West Virginia had storage tank regulations in place similar to those in neighboring Ohio and Pennsylvania, the Jan. 9 chemical spill that left 300,000 residents in nine counties without access to potable water for days may have been averted. The spill released 7,500 gallons of a chemical known as MCHM from a Freedom Industries storage facility into the Elk River near Charleston, 1.5 miles upstream from West Virginia American Water's intake. On Monday, West Virginia Gov. Earl Ray Tomblin announced new legislation to implement an above ground storage tank regulation program. Neighboring states such as Ohio and Pennsylvania already regulate the storage facilities. Pennsylvania Department of Environmental Protection spokesman John Poister said a massive leak at an Ashland Oil Co. storage facility on Jan. 2, 1988, in that state promoted lawmakers to enact rigid storage tank regulations. Ohio also has rules, but nothing specific to tanks located along waterways that feed public water treatment facilities. Poister said his state's regulations went into effect in August 1989 after the Ashland Oil leak, which sent 700,000 gallons of diesel fuel into the Monongahela River and affected the drinking water for about 1 million residents in Pennsylvania, West Virginia and Ohio. Water authorities along the Monongahela and Ohio Rivers were able to shut off municipal water intakes until the spill dissipated near Cincinnati. "We have a pretty comprehensive storage tank regulation in place," Poister said. "It could happen again, but, hopefully, our regulations and vigilance are strong enough that we do not get that kind of impact." He said every storage tank in the state must be registered and permitted to ensure that DEP inspectors know about them. Poister said tank farms - a name given to areas where groups of tanks are located - must have a secondary containment system that will hold more than what is housed in the tanks themselves. "They are designed to capture anything that leaks out and must hold 110 percent of the volume of the largest tank in the farm," he said. "DEP regulations require that all tanks are painted and have no visible signs of rust." Poister said the ruptured Ashland Oil tank was old and a fault could have been spotted had there been a regular inspection and maintenance program at the time. "Another Pennsylvania regulations provides that tank owners must have an approved preparedness, prevention and contingency plan and/or a spill prevention control and counter measure plan for each tank," he

said. "Each plan has to be approved by DEP." He said there have been no major spills forcing people to go into water conservation mode and no catastrophic tank failures since the regulations went into effect. Another area covered by regulations deals with impoundments. "They are under a different set of regulations," Poister said. "They must be lined so the fluid does not get into ground water. Secondary containment requirements extend to the natural gas well pads. That is accomplished with a moat-like containment around the well pads." He said DEP still encounters storage tank violations and those companies are subject to potential fines if the infractions are serious. In Ohio, tank regulations fall under the state Environmental Protection Agency's Division of Drinking and Ground Waters. "We have a storage tank inspection program, but not a universal program that specifically addresses tanks along shorelines or waterways," agency spokeswoman Linda Oros said. She said the state's division of air pollution control does tank inspections primarily to monitor air leaks or gas breaches. "We also check for obvious problems with liquid leaks and they are noted as an area of concern," she said. Oros said OEPA inspects tanks used to store drinking water and tanks holding chemicals used to purify water at municipal plants. "For large tanks near waterways, we have a berm requirement," she said. "It is more of a containment program that must hold more volume than the tanks hold. Petroleum-type tanks are monitored by the state fire marshal's office."